

EXHIBIT 13

Committee Final Report



Office of Equal Opportunity and Affirmative Action

201 South President's Circle, Room 135

PRIVATE
CONFIDENTIAL

TO: Lori McDonald, Vice President
Student Affairs

[REDACTED]

CC: Jason Ramirez, Dean of Students
Brian Burton, Associate Dean of Students
Adam Stevenson, Associate Dean, Student Affairs, School of Medicine

DATE: February 27, 2020

RE: OEO/AA Policy 1-012 Hearing; Sexual Misconduct Complaint Against R.B.

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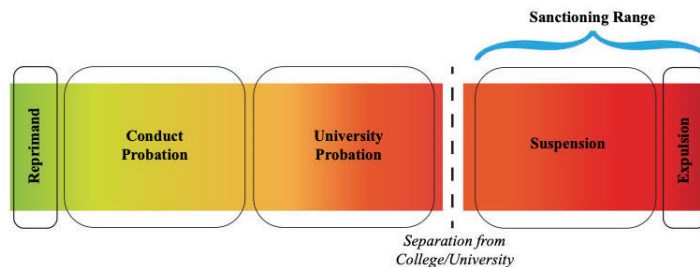
[REDACTED]

[REDACTED]

[REDACTED]

Non-Consensual Sexual Intercourse/Penetration

Non-Consensual Sexual Intercourse/Penetration is any sexual intercourse, however slight, with any object, by a person upon another person, that is without consent and/or by force. Intercourse includes: vaginal or anal penetration by a penis, object, tongue, or finger, and oral copulation (mouth to genital contact), no matter how slight the penetration or contact.

Sanctioning Range:***Common Mitigating Factors:***

- Genuine contrition.
- Consent was ambiguous.
- A request for leniency by the reporting party.
- The responding party's behavior, though non-consensual, did not exhibit a deliberate disregard for the dignity and autonomy of the reporting party, but instead appeared to be an error in judgment, possibly affected by drug or alcohol use.
- The responding party's behavior was not malicious and was intended to be seductive, despite ultimately being received and assessed as coercive.

Common Aggravating Factors:

- A request for enhanced sanctions by the reporting party.
- The responding party's use of force or physical violence in the perpetration of the non-consensual sexual intercourse.
- The responding party's use of a weapon or restraints.
- The responding party threatened bodily injury or intimidated the reporting party.
- The use of drugs or alcohol to intentionally incapacitate the reporting party.
- The responding party's brazen refusal to desist the conduct after consent had been clearly revoked.
- The responding party's behavior was predatory.
- The responding party knew they had an STD at the time of the intercourse and did not disclose it.
- "Stealthing."
- An ongoing hostile environment persists.

Compounding Factors (can bump the range):

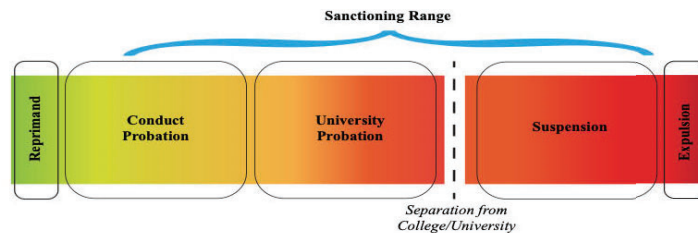
- Prior history of misconduct (i.e., found in violation of policy through formal process).
- The student's prior history of misconduct involved the same or similar types of behavior.
- Cumulative violations.

Non-Consensual Sexual Contact

Non-Consensual Sexual Contact is any intentional sexual touching, however slight, with any object, by a person upon another person, that is without consent and/or by force. Sexual contact includes intentional contact with the breasts, buttocks, groin, or genitals, or touching another with any of these body parts, or making another touch you or themselves with or on any of these body parts; or any other intentional bodily contact in a sexual manner.

Sanctioning Range:

While the range here applies to all instances of intentional non-consensual sexual contact, contact with the breasts or genitals will trend toward the upper end, while contact with the buttocks or other private areas will trend toward the lower end of the range. Additionally, sexualized contact not involving the buttocks, breasts, genitals or other private areas (e.g., shoulder massage, prolonged hugs, back rubs) would trend even lower in the range.



*Adjust this range to include expulsion if you prefer. We believe expulsion can occur for Non-Consensual Sexual Contact incidents, but most typically when the range is bumped as the result of other factors.

Common Mitigating Factors:

- Genuine contrition.
- Consent was ambiguous.
- A request for leniency by the reporting party.
- Prior instances where the responding party's sexual contact was welcome and/or reciprocated.
- The sexual contact was (relatively) minimally invasive, such as a grazing touch rather than a prolonged squeeze, or the contact was over the clothes rather than under.
- The sexual contact was relatively brief and ephemeral.

Common Aggravating Factors:

- A request for enhanced sanctions from the reporting party.
- The sexual contact was comparatively more invasive, such as a responding party reaching under the reporting party's clothes or engaging in more vigorous or aggressive fondling rather than merely touching.
- The sexual contact was extensive and abiding.
- The sexual contact was aggressive or violent.
- The responding party engaged in the sexual contact—or continued to engage in the sexual contact—after the reporting party communicated, verbally and/or nonverbally, that it was unwelcome.
- An ongoing hostile environment persists.

Compounding Factors (can bump the range):

- Prior history of misconduct (i.e., found in violation of policy through formal process).
- The student's prior history of misconduct involved the same or similar types of behavior.
- Cumulative violations.